

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE
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UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
(Camden)

IN RE: LaMARK and CORETTA L. MACK
Debtor(s).

Proceedings in Chapter 13

Case No. 15-25533 (JNP)

***OBJECTION TO FORM 22C AND
PLAN***

Isabel C. Balboa, Chapter 13 Trustee, hereby objects to the expenses/deductions included in Debtors' Amended Form 22C-2, pursuant to 11 U.S.C. § 1325(b)(3).

1. Pursuant to Debtors' Form 22C-1, Debtors' annualized income is above the applicable median income for a family of three (3). Therefore, Debtors were required to complete Form 22C-2.
2. Debtors' Form 22C-2 contains the following errors:
 - a. Line 6b should contain the amount of payments secured by Debtors' residence which will be contractually due in the next 60 months, divided by 60. This line was left blank; it should have contained the amount of the mortgage payment: \$685.00.
 - b. Lines 9c should be the amount derived by subtracting the amount in Line 9b from the amount in Line 9a ($\$1,338.00 - \$685.00 = \$653.00$): \$653.00.
 - c. Lines 13c and 13f claim car ownership expenses, however, both vehicles are being paid in full through the plan. *See, Ransom v. FIA Card Services*, 131 S.Ct. 716 (2011). Lines 13c and 13f should both be \$0.00.
 - d. Line 33g contains a similar error and, for the same reason as cited in subsection c above, should be \$0.00.
3. The corrected total on Line 24 should be \$7,046.00.

4. Adding the corrected Line 24 and Line 37 (\$7,046.00 + 603.45) provides the corrected amount for Total Deductions from Income in line 38: \$7,649.45.
5. Subtracting the total permitted deductions from the total current monthly income (\$9,569 -- \$7,649.45) results in monthly disposable income in the amount of \$1,919.55.
6. Based upon the Trustee's calculation of the monthly disposable income, Debtors can afford a dividend to unsecured creditors in an amount up to \$115,173.00 (\$1,919.55 x 60).
7. Debtors' Schedule F reports unsecured debt in the amount of \$9,164.00. Additionally, as of this writing, the Internal Revenue Service has filed an unsecured claim in the amount of \$24,522.94. However, Debtors propose to pay only \$735.00 per month with a small pro rate dividend to unsecured creditors.

Respectfully submitted,

Dated: October 20, 2015

/s/ *Raymond H. Shockley, Jr.*

Raymond H. Shockley, Jr.
Staff Attorney